

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

REGIONS ASSET COMPANY, REGIONS  
FINANCIAL CORPORATION and  
REGIONS BANK

Plaintiffs,

V.

REGIONS UNIVERSITY, INC.

Defendant.

Civil Action No. 2:06-cv-882-MHT

## DECLARATION OF WILLIAM PECAU

I, William Pecau, declare and say:

1. I am a partner at the law firm of Steptoe & Johnson LLP. I represent Regions Asset Company, Regions Financial Corporation and Regions Bank (“Regions”) in this case.


2. On April 16, 2007, Regions produced New South Research survey reports for the years 2000, 2001, 2002 and 2003. Attached as Exhibit A is a cover letter forwarding the document production dated April 16, 2007 and pertinent excerpts from Plaintiffs' Amended and Restated Responses to Defendant's First set of Requests for Production of Documents and Things dated April 16, 2007.

3. On August 8, 2007, Mr. Scott Peters, the Chief Marketing Officer of Regions, informed me the latest brand awareness research had recently been completed. On the same day I received a copy of an interim July 2007 report of the Regions/AmSouth awareness and perception survey. A copy of this report was produced on the same day to defendant. Attached as Exhibit B is a copy of the cover letter accompanying this production.

4. On August 15, 2007, I spoke with Mr. Jager. He informed me that the copy of the July 2007 report that I had received on August 8 was not a final version and he provided me with a copy of the final July 2007 survey report. Regions produced this document to defendant on the same day.

5. On August 17, 2007, Mr. Jager provided to me a copy of the questionnaire that New South Research used for its July 2007 survey. This was the same day that Regions filed its opposition to defendant's motion for summary judgment and cross motion and its brief in opposition to the defendant's motion and in support of its cross motion.

I declare under penalty of perjury that the above facts are true to the best of my knowledge. Executed September 5, 2007.

  
William Pecau

# **PECAU EXHIBIT A**

STEPTOE & JOHNSON LLP  
ATTORNEYS AT LAW

**FILE**

Rachel M. Marmer  
202.429.3903  
rmarmer@steptoe.com

1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Tel 202.429.3000  
Fax 202.429.3902  
steptoe.com

April 16, 2007

**Via FEDERAL EXPRESS**

Victor T. Hudson, Esq.  
Hudson & Watts, LLP  
One St. Louis Centre Suite 2500  
Mobile, AL 36601

**RE: Regions Asset Company v. Regions University, Inc.  
Case No. CV-06-882-MHT**

Dear Tom:

I am enclosing 2 DVDs and 6 paper documents that comprise Regions' second wave of document production.

We have forwarded our amended and revised responses to discovery requests by email and are sending a copy to you by overnight delivery under separate cover. The responses to Defendant's interrogatories will be verified by an officer of Regions Asset Company, and we will forward the verification to you when we receive it.

Very truly yours,

*Rachel M. Marmer*  
Rachel M. Marmer

Enclosures

cc: James Shlesinger, Esq. (w/out enclosures)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

REGIONS ASSET COMPANY,

Plaintiff,

**V.**

REGIONS UNIVERSITY, INC.

**Defendant.**

Civil Action No. 2:06-cv-882-MHT

**PLAINTIFF'S AMENDED AND RESTATED RESPONSES TO DEFENDANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff, Regions Asset Company, ("Regions") responds and objects to Defendant's First Set of Requests for Production of Documents and Things ("Requests") as follows.

Regions makes the objections and responses herein (collectively, the "Responses") based solely on its current knowledge, understanding, and belief as to the facts and the information available to it as of the date of the Responses. Additional discovery and investigation may lead to changes to, additions to, or modification of these Responses. Regions has not completed its investigation of all the facts relating to this opposition and has not completed its preparation for trial. Thus, the Responses are given without prejudice to Regions' right to produce subsequently discovered information and to introduce such subsequently discovered information at the time of any trial in this action.

Regions objects to the Requests on the grounds that they are overbroad, unduly burdensome and disruptive of Regions' business operations to the extent they are not reasonably

RAC00027208, RAC00027250-51, RAC00027385, RAC00027405, RAC00027577, RAC00027583, RAC00027590, RAC00027779, RAC00028007, RAC00028066, RAC00028083, RAC00028163, RAC00028255, RAC00028467-68, RAC00028476, RAC00028483, RAC00028485-86, RAC00028504, RAC00028526, RAC00028531-33, RAC00028594-95, RAC00028642, RAC00028688, RAC00028703, RAC00028718, RAC00028735, RAC00028792-93, RAC00028903-05, RAC00028918, RAC00028959-60, RAC00028973, RAC00028978, RAC00028981, RAC00029018, RAC00029021-25, RAC00029057, RAC00029215, RAC00029218, RAC00029259, RAC00029276, RAC00029300, RAC00029308, RAC00029315, RAC00029408, RAC00029430, RAC00029525, RAC00029532, RAC00029545, RAC00029572, RAC00029580, RAC00029593, RAC00029604, RAC00029628, RAC00029633-34, RAC00029669, RAC00029703, RAC00029708, RAC00029721, RAC00029723, RAC00029940, RAC00029963, RAC00029988-89, RAC00030088-89, RAC00030135, RAC00030240, RAC00030434-67, RAC00030470-72, RAC00030474-46, RAC00030478-85, RAC00030503-16, and RAC00030540-49.

**REQUEST NO. 15:**

Documents in support of Plaintiff's claim that it has extensively advertised and/or promoted Plaintiff's Marks for its financial and/or other services in the Middle District of Alabama, and /or elsewhere in the United States, as set forth in paragraph 12, of Plaintiff's Complaint.

**RESPONSE TO REQUEST NO. 15:**

Regions restates each General Objection as if fully set forth herein. Subject to and without waiving the foregoing objections, Regions is producing documents showing its advertising expenditures at the following bates numbers: RAC00022299-358, and RAC00022939-946. Regions has produced with its Initial Disclosures representative

advertisements and promotions at bates numbers RAC00000001-211 and RAC00000367-428. Regions is producing additional representative advertisements and promotions for its REGIONS mark, alone and with other elements, in Alabama and elsewhere in the United States at bates numbers RAC00000756-RAC00010044; RAC00010059, RAC00010061, RAC00010063, RAC00010065, RAC00010251-464, RAC00010960-11306, RAC00012290-12334, RAC00012473-14781, RAC00014836-14972, RAC00015006-15187, RAC00022997-30346, and RAC00030426-30551. Representative advertisements in the Montgomery market were produced with Regions' initial disclosures at bates numbers RAC00000367-428. Regions is producing additional advertisements in the Montgomery market at the following bates numbers: RAC00007918-19, RAC00007926-27, RAC00007929-30, RAC00007933-38, RAC00007940-45, RAC00007979-80, RAC00008650-53, RAC00008698-99, RAC00008718-19, RAC00008725-26, RAC00008732-33, RAC00008739-40, RAC00008752-54, RAC00008777-78, RAC00008804-05, RAC00008809-10, RAC00008831-32, RAC00008950, RAC00009945, RAC00009948, RAC00009952-53, RAC00010036, RAC00010038-42, RAC00010058-65, RAC00010251-464, RAC00013159-66, RAC00013224-26, RAC00013237-42, RAC00013246-47, RAC00013257-59, RAC00013265-69, RAC00013279-86, RAC00026510, RAC00027817-18, RAC00030147, and RAC00030230. Regions is producing surveys and studies by Regions concerning recognition of its REGIONS mark at the following bates numbers: RAC00022261-98, RAC00022359-938, and RAC00022947-991.

**REQUEST NO. 16:**

Documents in support of Plaintiff's claim that it advertises and/or promotes Plaintiff's Marks in television, radio, print, billboard, and/or internet advertising, and/or through sporting event sponsorships, as set forth in paragraph 13, of Plaintiff's Complaint.

RAC00008854, RAC00008896-97, RAC00008941-45, RAC00013506-52, RAC00013703-891, RAC00013996-4871, RAC00019616, RAC00024613, RAC00024629, RAC00025069-71, RAC00027003-04, RAC00009406-07, RAC00028268, RAC00029340, RAC00029821-23, RAC00002073-77, RAC00002079, RAC00002082, RAC00005356-57, RAC00024613-25, RAC00024634, RAC00007909-12, and RAC00024978.

**REQUEST NO. 17:**

Documents in support of Plaintiff's claim that Plaintiff's Marks have become famous in the Middle District of Alabama and/or elsewhere in the United States, as set forth in paragraph 14, of Plaintiff's Complaint.

**RESPONSE TO REQUEST NO. 17:**

Regions restates each General Objection as if fully set forth herein. Subject to and without waiving the foregoing objections, Regions has produced representative advertisements in its Initial Disclosures at bates numbers RAC00000001-211 and RAC00000367-428. Regions is producing additional documents showing advertising, promotion and sales of services under the REGIONS mark, alone and with other elements at bates numbers RAC00000756-RAC00010044; RAC00010059, RAC00010061, RAC00010063, RAC00010065, RAC00010251-464, RAC00010960-11306, RAC00012290-12334, RAC00012473-14781, RAC00014836-14972, RAC00015006-15187, RAC00022997-30346, and RAC00030426-30551. In addition to those Montgomery-focused advertisements produced with Regions' Initial Disclosures at bates numbers RAC00000367-428, Montgomery-focused advertisements are at bates numbers RAC00007918-19, RAC00007926-27, RAC00007929-30, RAC00007933-38, RAC00007940-45, RAC00007979-80, RAC00008650-53, RAC00008698-99, RAC00008718-19, RAC00008725-26, RAC00008732-33, RAC00008739-40, RAC00008752-54, RAC00008777-78, RAC00008804-05, RAC00008809-10, RAC00008831-32, RAC00008950,



RAC00009945, RAC00009948, RAC00009952-53, RAC00010036, RAC00010038-42, RAC00010058-65, RAC00010251-464, RAC00013159-66, RAC00013224-26, RAC00013237-42, RAC00013246-47, RAC00013257-59, RAC00013265-69, RAC00013279-86, RAC00026510, RAC00027817-18, RAC00030147, and RAC00030230. Regions will also produce surveys and studies concerning recognition of its REGIONS mark at bates numbers RAC0002261-98, RAC00022359-938, RAC00022947-991.

**REQUEST NO. 18:**

All documents in support of Plaintiff's claim that it has extensively advertised and promoted the mark REGIONS UNIVERSITY for its financial and other services in the Middle District of Alabama, and elsewhere in the United States, as set forth in paragraph 12, of Plaintiff's Complaint.

**RESPONSE TO REQUEST NO. 18:**

Regions restates each General Objection as if fully set forth herein. Regions objects to this Request as it misstates paragraph 12 of Regions' Complaint. Paragraph 12 of the Complaint does not mention the mark "REGIONS UNIVERSITY." It states: "Regions has extensively advertised and promoted its REGIONS mark, alone and with other elements, for its various banking, financial and other services, including the Middle District of Alabama and elsewhere in the United States."

Subject to and without waiving the foregoing objections, Regions is producing documents referring to its REGIONS UNIVERSITY mark, including internal and external advertising, for its employee training program at the following bates numbers:

RAC00000001300-18, RAC00001403-07, RAC00004801-45, RAC00023054, RAC00024601-02, RAC00030347-54, RAC00030355-58, RAC00000125-26, RAC00004772-83, and RAC00004785-90.

**REQUEST NO. 19:**

All documents in support of Plaintiff's claim that it advertises and promotes the mark REGIONS UNIVERSITY in television, radio, print, billboard, and internet advertising, and through sporting event sponsorships, as set forth in paragraph 13, of Plaintiff's Complaint.

**RESPONSE TO REQUEST NO. 19:**

Regions restates each General Objection as if fully set forth herein. Regions objects to this Request because it misstates paragraph 13 of Regions' Complaint concerning the REGIONS UNIVERSITY mark. Paragraph 13 of the Complaint does not mention the mark "REGIONS UNIVERSITY." It states:

The advertising and promotion of the REGIONS branded services includes television, radio, print, billboard and Internet advertising, as well as the presence of the many REGIONS bank locations and automated teller machines ("ATMs") in the communities Regions serves. Regions also promotes the REGIONS brand through sporting event sponsorships such as its prominent sponsorship of Southeastern Conference and Sunbelt college sporting events.

Subject to and without waiving the foregoing objections, Regions is producing documents referring to its REGIONS UNIVERSITY mark at bates numbers RAC00000001300-18, RAC00001403-07, RAC00004801-45, RAC00023054, RAC00024601-02, RAC00030347-54, RAC00030355-58, RAC00000125-26, RAC00004772-83, and RAC00004785-90.

**REQUEST NO. 20:**

All documents in support of Plaintiff's claim that the mark REGIONS UNIVERSITY has become famous in the Middle District of Alabama and elsewhere in the United States, as set forth in paragraph 14, of Plaintiff's Complaint.

**RESPONSE TO REQUEST NO. 20:**

Regions restates each General Objection as if fully set forth herein. Regions objects to this Request because it misstates paragraph 14 of Regions' Complaint concerning the

REGIONS UNIVERSITY mark. Paragraph 14 of the Complaint does not mention the mark

“Regions University.” It states:

By virtue of the long, continued and widespread advertising, promotion and sale of REGIONS branded banking, financial and other services and the quality and excellence of those services, the REGIONS mark, alone and with other elements, is now, and since long before the acts of defendant complained of herein has become, a famous name and mark in the Middle District of Alabama and elsewhere in the United States that is relied upon by the trade and the public to identify the services of Regions and to distinguish such services from the services of others. The REGIONS mark, alone and with other elements, has come to represent an extremely valuable goodwill belonging exclusively to Regions.

Subject to and without waiving the foregoing objections, Regions is producing advertising and promotions, in addition to those produced in its Initial Disclosures, at bates numbers RAC00000756-RAC00010044; RAC00010059, RAC00010061, RAC00010063, RAC00010065, RAC00010251-464, RAC00010960-11306, RAC00012290-12334, RAC00012473-14781, RAC00014836-14972, RAC00015006-15187, RAC00022997-30346, and RAC00030426-30551, brand awareness surveys at bates numbers RAC00022261-98, RAC00022359-938, RAC00022947-991, Regions is producing documents concerning the REGIONS UNIVERSITY mark, including internal and external advertising, at bates numbers RAC00000001300-18, RAC00001403-07, RAC00004801-45, RAC00023054, RAC00024601-02, RAC00030347-54, RAC00030355-58, RAC00000125-26, RAC00004772-83, and RAC00004785-90.

**REQUEST NO. 21:**

All documents in support of Plaintiff's claim that Defendant has acted in bad faith.

client communications, (4) is otherwise protected from disclosure under applicable privileges, laws, or rules. Regions objects to this request as not relevant to the subject matter of the proceeding or likely to lead to the discovery of admissible information.

Subject to and without waiving the foregoing objections, Regions is producing cease and desist letters concerning its REGIONS mark, alone and with other elements, at bates nos. RAC00010467-959, RAC00011480-2125, RAC00012190-471, RAC00010465-66, RAC00011801-03, RAC00011835-37, and RAC00030557-58, and an *inter partes* Notice of Opposition, *Regions Financial Corporation v. Regional Acceptance Corporation*, Opp. No. 91155299, that Regions filed at the Trademark Trial and Appeal Board concerning its REGIONS marks and the Answer thereto at bates numbers RAC00030359-87.

**REQUEST NO. 25:**

All documents concerning or relating to any inquiry, survey, or study, formal or informal, undertaken by or on your behalf, that pertains to your trademarks or service marks.

**RESPONSE TO REQUEST NO. 25:**

Regions restates each General Objection as if fully set forth herein. Regions objects to this Request as overbroad and unduly burdensome to the extent it seeks "all documents" concerning inquiries, surveys or studies. Regions further objects to this Request as vague and indefinite to the extent that it seeks documents "concerning" said inquiries, surveys or studies, to the extent that it requests "informal" inquiries, surveys or studies, and insofar as said inquiries, surveys or studies "pertain" to Regions trademarks or service marks. Regions objects to this Request as not relevant to the subject matter of this proceeding or likely to lead to the discovery of admissible information to the extent that it seeks inquiries, surveys or studies concerning Regions' non-REGIONS trademarks and service marks.

Subject to and without waiving the foregoing objections, Regions is producing surveys and studies concerning recognition of its REGIONS mark at bates numbers RAC00022261-98, RAC00022359-938, RAC00022947-991.

**REQUEST NO. 26:**

All documents concerning or relating to any licensing of Plaintiff's marks to others, including Regions Financial Corporation.

**RESPONSE TO REQUEST NO. 26:**

Regions restates each General Objection as if fully set forth herein. Regions objects to this Request as overbroad and unduly burdensome to the extent that it seeks "all documents" concerning its licensing of its REGIONS marks. Regions further objects to this Request as not relevant to the subject matter of the proceeding or likely to lead to the discovery of admissible information and to the extent that such documents concerning or relating to the licensing of REGIONS marks might have some theoretical benefit, it is greatly outweighed by the burden and expense of seeking and producing such documents.

Subject to and without waiving the foregoing objections, Regions is producing inter-company licenses at bates numbers RAC00030390-435.

Respectfully submitted this 16th day of April, 2007.



---

One of the Attorneys for Plaintiff Regions Asset Company

**OF COUNSEL:**

Charles B. Paterson (PAT018)  
Paul A. Clark (CLA076)  
BALCH & BINGHAM LLP  
Post Office Box 78  
Montgomery, AL 36101-0078  
Telephone: (334) 834-6500  
Facsimile: (334) 269-3115  
[cpaterson@balch.com](mailto:cpaterson@balch.com)  
[pclark@balch.com](mailto:pclark@balch.com)

William G. Pecau  
Rachel M. Marmer  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036  
Telephone: (202)429-6244  
Facsimile: (202)429-3902  
[wpecau@steptoe.com](mailto:wpecau@steptoe.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing PLAINTIFF'S AMENDED AND RESTATED RESPONSES TO DEFENDANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS on counsel for Defendant by electronic service on this 16th day of April, 2007, and by overnight courier properly addressed to them:

Victor T. Hudson  
William W. Watts, III  
Hudson & Watts, LLP  
Post Office Box 989  
Mobile, Alabama 36601-0989

James E. Shlesinger  
Shlesinger, Arkwright & Garvey LLP  
1420 King Street  
Suite 600  
Alexandria, Virginia 22314

  
\_\_\_\_\_

# **PECAU EXHIBIT B**



STEPTOE & JOHNSON<sup>LLP</sup>  
ATTORNEYS AT LAW

Rachel M. Marmer  
202.429.3903  
rmarmer@steptoe.com

1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Tel 202.429.3000  
Fax 202.429.3902  
steptoe.com

August 8, 2007

**Via FEDERAL EXPRESS**

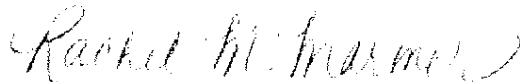
Victor T. Hudson, Esq.  
Hudson & Watts, LLP  
One St. Louis Centre Suite 2500  
Mobile, AL 36601

**RE: Regions Asset Company v. Regions University, Inc.  
Case No. CV-06-882-MHT**

Dear Tom:

Regions is producing additional documents, which are enclosed. These documents include the July 2007 brand awareness research report, cease and desist letters and a response recently sent and received, the most recent copies of trademark watch reports and a summary a recent educational outreach program.

Very truly yours,



Rachel M. Marmer

Enclosures

cc: James Shlesinger, Esq.  
Charles Paterson, Esq.